

### Remarks

This is in response to the Office Action dated March 20, 2008.

To obviate the obviousness-type double patenting rejection of the pending claims over the claims of U.S. patent 7,254,103, attached is a Terminal Disclaimer for obviating this rejection.

Per the above amendment, claim 40 has been cancelled. Accordingly, the rejection thereof under 35 U.S.C. 101 is now moot.

Claims 40-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (US 6,636,474) and further in view of Yamaguchi et al. (US 5,825,899).<sup>1</sup>

It is respectfully submitted that Tanaka is not valid prior art against the instant invention insofar as it has a U.S. filing date of November 18, 1998 in light of its parent application 09/195,100, whereas the instant application claims priority from Japanese applications 9-337700 filed November 21, 1997 and 9-343916 filed November 28, 1997.

Now that all outstanding issues have been addressed, the examiner is respectfully requested to reconsider the application and pass the same to issue at an early date.

Respectfully submitted,



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<sup>1</sup> On page 3 of the Office Action, the examiner cites Heo (US 6,222,983) in combination with Tanaka for the section 103 rejection. However, Yamaguchi was cited on page 8 of the Office Action as the secondary reference in combination with Tanaka for rejecting the pending claims. In a telephone conversation with the examiner on March 25, 2008, the examiner confirmed that it is Yamaguchi that is being used in combination with Tanaka for rejecting the claims.